

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALTAUNE BROWN,

Plaintiff,

-v.-

VYBES KITCHEN INC. and CLEMENT A.
REYNOLDS,

Defendants.

19 Civ. 7157 (KPF)

**ORDER OF DEFAULT
JUDGMENT**

KATHERINE POLK FAILLA, District Judge:

NOW THEREFORE, this action having been commenced on July 31, 2019 by the filing of the Summons, civil cover sheet and complaint, and a copy of the same having been served through the Secretary of State on the Defendants, Vybes Kitchen Inc. and Clement A. Reynolds (“Defendants”), on September 26, 2019 and September 17, 2019, respectively; and proof of service having been filed on September 16, 2019 and September 6, 2019, respectively and the Defendants not having answered the complaint, and the time for answering the complaint having expired, it is

ORDERED, ADJUDGED AND DECREED: That the Plaintiff have judgment against the Defendants, to remove architectural barriers as follows:

- a. Provide an accessible entrance and install a ramp with appropriate slope and signage, and/or otherwise provide an accessible and properly designated entrance.
- b. Provide signage addressing people with disabilities telling them that accessible services are provided.

- c. Modify cashier/service counter to be accessible.
- d. Provide a safe and accessible emergency exit.
- e. The injunctive relief provided must be in accordance with city, state and federal laws including 28 CFR Part 36, Sec. 36.304 which provides instructions for the Removal of barriers in existing facilities as well as the 2010 ADA Standards for Accessible Design which provides minimum requirements for public accommodations to become readily accessible and useable by individuals with disabilities.

Pursuant to 42 U.S.C. §12188, this Court is vested with the authority to grant the Plaintiff's injunctive relief; including an order to alter the Premises to make them readily accessible to, and useable by, individuals with disabilities to the extent required by the American with Disabilities Act ("ADA"), the New York City Human Rights Laws ("NYCHRL"), and the New York State Human Rights Law ("NYSHRL"), and closing the Premises until the requisite modifications are completed.

Further, that the Plaintiff be awarded, not less than one thousand dollars (\$1,000) in compensatory damages based on the Defendant's violation of the NYCHRL and the NYSHRL; the Defendant to comply with terms of the Final Judgment within sixty (60) days of the entry of the judgment; and this Honorable Court retain jurisdiction relating to the Plaintiff's attorneys' fees and said motion shall be filed within ninety (90) days of entry of this Final Judgment.

Pursuant to 28 C.F.R. §36.201(b), both the landlord and the tenant are a public accommodation and have full responsibility for complying with the ADA requirements. Therefore, Defendants Vybes Kitchen Inc and Clement A. Reynolds are jointly and severally liable and this order shall be enforceable as to both Defendants.

Plaintiff shall serve a copy of this Order on Defendants by April 22, 2020, by whatever means Plaintiff has previously served Defendants.

SO ORDERED.

Dated: April 17, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge